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Linda Bilsing

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12/15/2005

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Intellectual Property Administration

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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,331

Applicant(s)

BILSING ET AL.

Examiner

Tadesse Hailu

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2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,22-25,27,28 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-9,22-25,27,28 and 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the Pre-Brief conference request submitted and entered on October 11, 2005. Upon reviewing the request, Applicants' Declaration under 37 C.F.R. 1.131 has been considered and overcomes the Chen's reference. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Os et al (US Pat No. 6,480,304).
2. The pending claims 2, 4-9, 22-25, 27, 28, 32-37 are rejected herein as follows.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 2, 4-5, 7-9, 22-25, 27, 28, 32-35, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Os et al (6,480,304).

Os relates to the field of digital scanning systems, and more particularly to a system and method for installing, configuring and operating a digital scanner.

With regard to claim 22:

Os discloses a scanning system (an imaging system) comprising:

A host computer system 150 that can be used to perform processing operations used in the scanning system. such processing operations comprise acquiring or capturing image from the scanning system and configuring the acquired and captured image on a display device 155. Using the cursor control device 157 may be a mouse user can manipulate or configure the captured or displayed image. As illustrated in Fig. 7, the scanner ( image-capturing device) is communicatively coupled to said computer system 150. Thus, in response to the user selecting one of the user-interface buttons, such as one of the button tabs 77 (intent-based selections), the scanner (image-capturing device) captures an image as digital image data in a format corresponding to the one of the button tabs selections (column 7, lines 11-31). Os further discloses that said host computer system (intent-based image acquisition system) is further enable user to modify the captured image using the associated interface, such as Scanner preference interface 75, Fig, 4. or using Interface 95 for specifying scan parameter, Fig. 5) (column 3, lines 56-column 4, lines 19, column 7, lines 32-50).

With regard to claim 2:

Os further discloses that the host computer system (intent-based image acquisition system) is configured to provide the user with a graphical user interface (Fig. 4, #75), said graphical user interface being configured to display to the user the plurality

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of selectable options including button tabs 77 (intent-based selections) (column 7, lines 11-50).

With regard to claim 4:

Os further discloses that the first of said button tabs (intent-based selections) is configured with format settings adapted to alter digital image data corresponding to a first intended use of the image data, and wherein said host computer system (intent-based image acquisition system) is further configured to enable modification of said format settings ( column 3, lines 56-column 4, lines 19, column 7, lines 32-50).

With regard to claim 5:

Os further discloses that the graphical user interface (e.g., interface 75, Fig. 4) is configured to enable a user to preview image data (e.g., via image preview window 109, Fig. 6) that has been formatted to correspond to an intended use of the digital image data (column 9, lines 5-20).

With regard to claim 7:

Again, Os discloses that said image-capturing device is a scanner (Fig. 1).

With regard to claim 8:

Os further discloses that host computer system (said intent-based image acquisition system) is configured to launch an application, the application being configured to enable modification of the digital image data (column 6, lines 22-54).

With regard to claim 9:

Os further discloses that said host computer system (intent-based image acquisition system) further comprises means for enabling modification of the digital image data (column 3, lines 47-column 4, lines 19, column 6, lines 22-54).

With regard to claim 23:

Os further discloses that said scanner (image-capturing device) (Fig. 1) includes a plurality of actuators or buttons (23A-23E) (intent-based image acquisition system actuator), such that, in response to actuating one of said buttons, said host computer system (intent-based image acquisition system) provides the intent-based selections to the user (column 2, lines 46-column 3, lines 26).

With regard to claim 24:

Os further discloses that modification of the format of the digital image data comprises modification of a resolution at which the digital image data is acquired (column 4, lines 1-19, column 5, lines 7-21).

With regard to claim 25:

Os further discloses a method for providing image data to a user comprising: providing a plurality of button tabs (77) (intent-based selections) to the user, each of the button tabs (intent-based selections) associated with an intended use of digital image data corresponding to a captured image (Abstract, column 6, lines 22-54);

Os further discloses that in response to the user selecting one of the button tabs (intent-based selections), capturing digital image data in a format corresponding to the one of the intent-based selections (column 3, lines 47-column 4, lines 19).

Os further discloses in response to a user input, modifying the format at which digital image data is to be captured in response to the user selecting the one of the button tabs (intent-based selections) (column 7, lines 11-31).

Os further discloses that the button tabs (intent-based selections) are provided to the user in response to actuation of an actuator or button (23A-23E) located at the scanner (intent-based actuator) of an image-capturing device (column 2, lines 46-column 3, lines 26).

With regard to claim 27:

Os further discloses that modifying the format comprises modifying a resolution at which the digital image data is acquired (Abstract, column 4, lines 1-19, column 5, lines 7-21).

With regard to claim 28:

Os further discloses that the modifying the digital image data after the digital image data has been acquired (Abstract, column 8, lines 21-50).

With regard to claim 32:

Os further discloses a scanner system (an imaging system) comprising a host computer system 150 (fig. 7) (an intent-based image acquisition system) configured to provide at least selectable button tabs (intent-based selections) to a user and receive digital image data corresponding to a captured image (Abstract, column 6, lines 22-54).

Os further discloses a scanner (an image-capturing device) communicatively coupled to said host computer system 150 (intent-based image acquisition system) (Fig. 7).

Os further discloses that said image-capturing device has a plurality of buttons or actuators (23A-23E) (an intent-based image acquisition system actuator) located at the scanner device such that, in response to actuating on of said actuators (intent-based image acquisition system actuator), said host computer system (intent-based image acquisition system) provides the buttons tabs 77 (intent-based selections) to the user (column 2, lines 46-column 3, lines 26).

With regard to claim 33:

Os further discloses that in response to the user selecting one of the intent-based selections, the image-capturing device captures an image as digital image data in a format corresponding to the one of the button tabs selections (intent-based selections) (column 7, lines 11-31).

With regard to claim 34:

Os further discloses that said host computer system (intent-based image acquisition system) is further configured to enable modification of said format responsive to a user input such that the format at which the image is captured is modifiable by the user (column 3, lines 56-column 4, lines 19, column 7, lines 32-50).

With regard to claim 35:

Os further discloses that modification of the format of the digital image data comprises modification of a resolution at which the digital image data is acquired (column 4, lines 1-19, column 5, lines 7-21).

With regard to claim 37:



Again, Os's scanner (Fig. 1), image capturing device enables user to capture all kinds of digital image data.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Os et al in view of Czyszczewski et al (US Pat No 6,867,876).

While Os describes additional options and settings for customizing the scanner and provides a link to a server, but the plurality of button tabs of Os (Fig. 4) do not show the required button tabs ( intent-based elections) that are selected from the group consisting of: posting the image data on a Web site for printing, posting the image data on a Web site for viewing, emailing photo for printing, emailing photo for viewing, and archiving image data as required in claims 6 and 36. Czyszczewski on the other hand discloses a plurality of button tabs similar to Os's (Fig. 9). In addition, Czyszczewski discloses an email tab button for emailing photo for printing and emailing photo for viewing (Fig. 9, column 13, lines 1-16). Os and Czyszczewski are analogous art because they are from the same field of endeavor, image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the email button tab with Os's button tabs because the incorporation of email button tab enables user to share photos through e-mailing. Therefore, it would

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have been obvious to combine Os with Czyszczewski to obtain the invention as specified in claims 6 and 36.

### CONCLUSION

5. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

7. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu  
Art Unit 2173  
12/12/05

